

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 2/6/2023

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KEVIN LEWIS,	:	
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Petitioner,	:	1:22-cv-7777-GHW
	:	
-v -	:	16-cr-396-9-GHW
	:	
WARDEN BRADLEY,	:	<u>ORDER</u>
	:	
Respondent.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

On October 27, 2022, this Court issued an order construing Petitioner's petition as brought under 28 U.S.C. § 2255 and providing Petitioner 60 days to either withdraw his motion or show cause as to why it should not be denied as time-barred. Dkt. No. 11 at 7. After Petitioner did not respond during that time period, on December 30, 2022, the Court *sua sponte* extended Petitioner's time to respond by an additional thirty days. Dkt. No. 12. However, Petitioner has not responded within that time. Accordingly, for the reasons explained in the Court's October 27, 2022 order, the petition is denied as time-barred. *See* Dkt. No. 11 at 6.

Because Lewis has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.


The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to directed to mail a copy of this order to Petitioner, to

terminate all pending motions, to enter judgment for Respondent, and to close case 1:22-cv-7777.

SO ORDERED.

Dated: February 6, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge